IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.6127 of 2005
Date of Decision:- 07.11.2006

Varinder Nath Mayor ....Petitioner

through
Mr.R.S.Bajaj, Advocate

vs.

Smt.Santosh Mayor & ors. ....Respondents

through
None.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

SURYA KANT, J.

This revision petition is preferred against the order dated 22.9.2005 passed by the Additional Civil Judge (Sr.Div.) Jalandhar whereby an application for amendment of the plaint moved by the petitioner, has been dismissed.

Heard learned counsel for the petitioner at length.

On a perusal of the impugned order, it reveals that the petitioner has filed a suit for partition by way of separate possession in respect of a property situated in Jalandhar. The suit was filed on 13.10.1995. The application seeking amendment of the suit has been filed after about 8 years. In reference to the issues raised in the suit, the learned trial Court has observed that there is no necessity to seek the proposed amendment as the relief of rendition of accounts qua any partnership firm has nothing to do with a suit for partition of the immovable properties. Moreso, the cause of action for the alleged rendition of accounts arose in the year 1997 and, thus, there is no justification for moving the application at

such a belated stage.

In view of the aforesaid reasons, I am of the considered view that the impugned order dated 22.9.2005 does not suffer from any legal infirmity and thus, warrants by interference of this Court.

Dismissed.

November 07, 2006 **(SURYA KANT)**
poonam **JUDGE**